

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00848-FDW-DSC

CARGILL, INC., and CARGILL MEAT)
SOLUTIONS, CORP.,)

Plaintiffs,)

vs.)

ORDER

WDS, INC., JENNIFER MAIER, and)
BRIAN EWERT,)

Defendants.)

THIS MATTER is before the Court *sua sponte* upon the filing of a Bill of Cost against Defendants WDS, Inc. and Brian Ewert¹ on February 6, 2018 by Plaintiffs (Doc. No. 328). The Bill of Cost is premature. LCvR 54.1. Local Rule 54.1(a) provides:

A prevailing party may request the Clerk of Court to tax allowable costs, other than attorney fees, in a civil action as a part of a judgment or decree by electronically filing a bill of costs on a form available from the Clerk of Court, within thirty (30) days after:

- (1) The expiration of time allowed for appeal of a final judgment or decree; or
- (2) Receipt by the Clerk of Court of the mandate or other order terminating the action on appeal.

THEREFORE, the Court hereby STRIKES the Bill of Cost (Doc. No. 328) without prejudice to Plaintiffs' right to file a Bill of Cost in compliance with LCvR 54.1.

¹ The Court has determined that it can proceed on this matter despite Defendant Maier's filing of a voluntary petition under Chapter 7 of the United States Bankruptcy Code. See Gilchrist v. General Electric Capital Corp., 262 F.3d 295, 303 (4th Cir. 2001); 11 U.S.C. § 362(a). Plaintiffs have only sought costs against Defendants WDS, Inc. and Brian Ewert. (Doc. No. 325).

IT IS SO ORDERED.

Signed: February 7, 2018

A handwritten signature in cursive script, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

